

RULES AND REGULATIONS PERTAINING TO SHELLFISH

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AUTHORITY

The following Rules and Regulations pertaining to Shellfish are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, Act 96 of 1913, as amended, and Act 85 of 1881 (Ark. Code Ann. §§ 20-7-109 and 20-7-115).

SECTION I. DEFINITION

Shellfish shall, for the purpose of these Regulations, be defined as any fresh or frozen oysters, clams or mussels either shucked or in the shell and any fresh or frozen edible products thereof.

SECTION II. SALE OF SHELLFISH

No person, firm or corporation shall sell or offer for sale shellfish that have not been produced and shipped in conformity with the regulations of the State in which they were grown or packed, and unless the shipment shall have been accompanied by a tag, label or other mark showing that the shipper has been duly certified by the state in which the plant is operated. The shellfish control program of the state in which the plant is located must be endorsed by the U. S. Public Health Service, and the name of the shipper included in the current list of certified shellfish shippers compiled by the U. S. Public Health Service.

SECTION III. SHIPPING AND HANDLING OF SHELL STOCK

A. Packing, Shipping and Storage. Shell stock shellfish shall be packed, shipped and stored under such temperature conditions as will keep them alive, that is, at a temperature below 50° F., but above freezing.

B. Identification. Containers holding shell stock shall be identified with a tag or label. The information upon the tag or label shall include the kind and quantity of shell stock, name and address of the shipper, name and address of consignee, certificate number issued by the supervising authority in the state of origin, the state abbreviation, date of harvesting, date of shipment or of reshipment, and the name of the local waters from which the shellfish were taken. The stub of the tag shall not be removed from any package of shell stock until all of the contents of such package have been removed.

C. Bulk Shipments. Shipments in bulk are prohibited except when made from only one consignor to only one consignee and when accompanied by the shipping tag.

SECTION IV. SHIPPING AND HANDLING OF SHUCKED STOCK

A. Storage and Shipping. Shucked stock must be stored and shipped under temperature conditions that will prevent spoilage. Shucked stock shall be kept at a temperature of 45° F. or below, from the time it leaves the shipper until the time it reaches the consumer, but should not be allowed to freeze, unless prepared for sale in the frozen state. Outside containers shall be provided for ice, and ice or other foreign substance shall not be allowed to come in contact with the shellfish during shipment or storage. The sale of shucked stock is prohibited if the shucked stock shows evidence of deterioration or spoilage due to inadequate refrigeration, prolonged storage or other causes. If shellfish are to be sold in the frozen state, they shall have been frozen rapidly and shall have been held, preferably, below 0° F., but at no time at a temperature above 10° F., until sold. They shall be in a thoroughly frozen state at time of delivery and shall show no evidence of defrosting, refreezing or deterioration.

B. Containers and Identification as Received in Arkansas. Shucked shellfish as received in Arkansas shall be packaged and shipped only in single-use metal containers or in non-returnable, non-reusable, single-service containers made of impervious material. All single-service containers shall have been purchased only in sanitary packaging materials, shall have been stored therein in a clean, dry place until used, and shall have been handled in a sanitary manner. Each individual package of fresh or frozen shucked shellfish shall have permanently recorded on the package or label, so as to be easily visible, the packer's, repacker's, or distributor's name and address, and the packer's or repacker's certificate number preceded by the abbreviated name of the State. If the packer is not the same as the distributor, the words "packed for" or "distributed by" must precede the name on the container. In addition, each package of fresh or frozen shellfish shall be code-dated to indicate the date of packing or repacking. In the case of frozen shellfish, the code-dating information need not be on the outer wrap.

C. Storing, Displaying and Dispensing.

1. Original Containers. All shucked stock received by wholesalers or retailers shall be kept in the original sealed containers which shall not be opened except as permitted in C.2 below.

2. Shucked Stock in Bulk: Shucked stock in bulk shall be sold only under the following conditions:

a. Shucked stock may be dispensed in other than the original containers only for consumption on the premises where dispensed. Such premises shall comply with the Arkansas State Board of Health Rules and Regulations pertaining to Food Service Establishments.

b. Containers from which they are dispensed shall be marked with the name and address or identification mark of the shipper.

c. An accurate record shall be kept as prescribed in Section VI.

d. No repacking of shucked shellfish shall be practiced.

e. Any adulteration or the addition of any water or ice is prohibited.

f. The unprotected display of shucked stock in open cans, windows or showcases is prohibited.

- g. Proper refrigeration shall be provided in all places, including retail stores, where shucked stock is kept.

SECTION V. RECORDS

A. Wholesaler. Every person, firm or corporation who conducts any wholesale business of buying, selling or shipping shell stock shall keep an accurate daily record showing the names and addresses of all persons from whom lots are received, the location of the source of each lot and the names and addresses of all persons to whom lots are sold or shipped. Such records shall be kept on file for sixty days and shall be open to inspection at any time during business hours by any duly authorized representative of the State Health Officer.

B. Retailers. Every person, firm or corporation who conducts any retail business of buying or selling shell stock shall remove the tag from the container when empty. In the case of shell stock, where a dealer breaks down an original container to more than one container of smaller size, all these smaller containers must be suitably labeled. Tags shall be kept on file for sixty days subject to inspection at any time during business hours by any duly authorized representative of the State Health Officer.

REPEAL

The Rules and Regulations of the Arkansas State Board of Health pertaining to Shellfish promulgated July 26, 1951 and all other Regulations and parts of Regulations in conflict herewith are hereby repealed.

Certification This will certify that the foregoing Rules and Regulations pertaining to Shellfish were adopted by the State Board of Health at a regular executive session of said Board held in Little Rock, Arkansas on the 26th day of January, 1967.

(signed)

J. T. Herron, M.D.

Secretary of the State Board of Health

State Health Officer